

NOV. -07' 05 (MON) 13:35

ALSTON & BIRD

RECEIVED  
CENTRAL FAX CENTER

TEL: 9198622260

P. 001

NOV 07 2005

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

## ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600  
Raleigh, NC 27604-1062  
919-862-2200  
Fax: 919-862-2260

### TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

**Date:**

November 7, 2005

**Recipient:**

Examiner Noland Thomas

**Company:**

United States Patent and Trademark  
Office

**Fax Number:**

1-571-273-8300

**Voice Number:**

1-571-272-2202

**Sender:**

Kevin R. Lyn

**Message:**

In re: Verna *et al.*

Appl No.: 10/755,123

Confirmation No.: 9384

Filed: January 9, 2004

Group Art Unit: 2856

For: Gyrotory Compactor Apparatus and Associated Devices and Methods

Please see the attached Response to Restriction Requirement (2 pages) in reference to the above-identified U.S. Patent application.

Number of Pages: (including cover page)

3

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT.

USER CODE: LYNKE  
CLIENT/MATTER: 031850/271021

REQUESTED BY: Kevin Lyn  
OPERATOR:

RTA01/2156810v1

Attorney's Docket No. 031850/271021

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Verna <i>et al.</i>	Confirmation No.:	9384
Appl No.:	10/755,123	Group Art Unit:	2856
Filed:	January 9, 2004	Examiner:	Noland, Thomas
For:	GYRATORY COMPACTOR APPARATUS AND ASSOCIATED DEVICES AND METHODS		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

This is in response to the Office Action dated October 7, 2005, wherein the Office Action has required restriction between alleged Species I through VII of the pending claims. Of Claims 1-62 now pending, Species I is alleged to include Claims 1-43, directed to a gyratory compactor apparatus defining an axis, under Class 73, subclass 824; Species II is alleged to include Claims 44-47, directed to a device adapted to interact with a generally cylindrical mold for a gyratory compactor apparatus defining an axis, under Class 73, subclass 863; Species III is alleged to include Claims 48-51, directed to a pressure measuring device adapted for use with a gyratory compactor apparatus, under Class 73, subclass 862.541; Species IV is alleged to include Claims 52 and 53, directed to a device adapted to determine and maintain an angle of gyration of a mold engaged with a gyratory compactor apparatus defining an axis, under Class 100, subclass 48; Species V is alleged to include Claims 54-57, directed to a gyratory compactor apparatus defining an axis, under Class 73, subclass 824; Species VI is alleged to include Claims 58-60, directed to a cleaning device adapted to remove sample residue from a gyratory compactor apparatus defining an axis, under Class 15, subclass 88.2; and Species VII is alleged to include Claims 61 and 62, directed to a method of manufacturing a gyratory compactor apparatus, under Class 29, subclass 466. The Office Action further states that no claim was found to be generic.

In view of the requirement for restriction in the Office Action, the Applicants hereby provisionally elect with traverse to prosecute the claims of Species I, asserted to include Claims 1-43, directed to a gyratory compactor apparatus defining an axis under Class 73, subclass 824. The Applicants, however, expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining species/claims.

Appl No.: 10/755,123

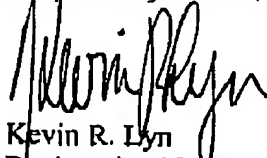
Amdt. dated 11/07/2005

Reply to Restriction Requirement of October 7, 2005

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

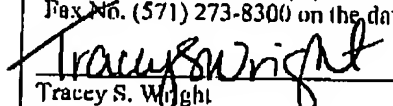
Respectfully submitted,

Kevin R. Lyn  
Registration No. 42,818

CUSTOMER NO. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at  
Fax No. (571) 273-8300 on the date shown below.

  
Tracey S. Wright11/7/05  
Date